

The Gazette of India

EXTRAORDINARY PART II—Section 2 PUBLISHED BY AUTHORITY

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HOUSE OF THE PEOPLE

The following Bills were introduced in the House of the People on 15th December, 1953:—

BILL No. 56 OF 1953

A Bill to provide for delivery of books to the National Library and other public libraries.

BE it enacted by Parliament as follows:—

1. Short title and extent.—(1) This Act may be called the Delivery of Books (Public Libraries) Act, 1953.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “book” includes every volume, part or division of a volume, and pamphlet, in any language, and every sheet of music, map, chart or plan separately printed or lithographed, but does not include a newspaper published in conformity with the provisions of section 5 of the Press and Registration of Books Act, 1867 (XXV of 1867);

(b) “public libraries” means the National Library at Calcutta and any three other libraries which may be specified by the Central Government in this behalf by notification in the Official Gazette.

3. Delivery of books to public libraries.—(1) Subject to any rules that may be made under this Act, but without prejudice to the provisions contained in section 9 of the Press and Registration of Books Act, 1867 (XXV of 1867), the publisher of every book published in the territories to which this Act extends after the commencement of this Act shall, notwithstanding any agreement to the contrary, deliver at his own expense a copy of the book to the National Library

at Calcutta and one such copy to each of the other three public libraries within thirty days from the date of its publication.

(2) The copy delivered to the National Library shall be a copy of the whole book with all maps and illustrations belonging thereto, finished and coloured in the same manner as the best copies of the same, and shall be bound, sewed or stitched together, and on the best paper on which any copy of the book is printed.

(3) The copy delivered to any other public library shall be on the paper on which the largest number of copies of the book is printed for sale, and shall be in the like condition as the books prepared for sale.

(4) Nothing contained in sub-section (1) shall apply to any second or subsequent edition of a book in which edition no additions or alterations either in the letter-press or in the maps, book prints or other engravings belonging to the book have been made, and a copy of the first or some preceding edition of which book has been delivered under this Act.

4. Receipt for books delivered.—The person in charge of a public library (whether called a librarian or by any other name) or any other person authorised by him in this behalf to whom a copy of a book is delivered under section 3 shall give to the publisher a receipt in writing therefor.

5. Penalty.—Any publisher who contravenes any provision of this Act or of any rule made thereunder shall be punishable with fine which may extend to fifty rupees and the value of the book, and the court trying the offence may direct that the whole or any part of the fine realised from him shall be paid, by way of compensation, to the public library to which the book ought to have been delivered.

6. Cognizance of offences.—(1) No court shall take cognizance of any offence punishable under this Act save on complaint made by an officer empowered in this behalf by the Central Government by a general or special order.

(2) No court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence punishable under this Act.

7. Power to make rules.—The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

In order to promote public libraries in India and to encourage scholarship, it is considered necessary to build up good libraries, and for this purpose it is desired to acquire not more than four copies of books and publications in India. One set of books so acquired will be deposited in the National Library, Calcutta, and the remaining three sets will be utilised for other important libraries.

A. K. AZAD.

NEW DELHI;

The 2nd November, 1953.

BILL No. 66 OF 1953

A Bill to provide for the levy and collection of a cess on salt for the purpose of raising funds to meet the expenses incurred on the salt organisation maintained by Government and on the measures taken by Government in connection with the manufacture, supply and distribution of salt.

BE it enacted by Parliament as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Salt Cess Act, 1953.

(2) It extends to whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) 'manufacture' in relation to salt includes collection, removal, preparation, steeping, evaporation, boiling or any one or more of these processes, the separation or purification of salt obtained in the manufacture of saltpetre, the separation of salt from earth or other substance so as to produce alimentary salt, and the excavation or removal of natural saline deposits or efflorescence; and the word 'manufacturer' shall be construed accordingly and shall include not only a person who employs hired labour in the production or manufacture of salt but also any person who engages in its production or manufacture on his own account if the salt is intended for sale.

Explanation.—In this clause, 'saltpetre' includes rasi, sajji, and all other substances manufactured from saline earth, and Kharinun and every form of sulphate or carbonate of soda;

(b) 'salt' includes swamp salt, spontaneous salt, and salt or saline solutions made or produced from any saline substances or from salt earth;

(c) 'salt factory' includes—

(i) a place used or intended to be used in the manufacture of salt and all embankments, reservoirs, condensing and evaporating pans, buildings, and waste places situated within the limits of such place, as defined from time to time for the purposes of the Central Excises and Salt Act, 1944 (I of 1944);

(ii) all drying grounds and storage platforms and store-houses appertaining to any such place;

*The President has, in pursuance of clauses (1) and (3) of article 117 of the Constitution of India, recommended to the House of the People the introduction and consideration of the Bill.

(iii) land on which salt is spontaneously produced; and
a 'private salt factory' is one not solely owned or not solely worked by the Central Government;

(d) 'standard maund' means a maund of 82 $\frac{2}{7}$ pounds avoirdupois;

(e) 'prescribed' means prescribed by rules made under this Act.

3. Levy and collection of cess on salt.—There shall be levied and collected in such manner as may be prescribed a cess in the nature of an excise duty on all salt manufactured in the territories to which this Act extends—

(a) in the case of salt manufactured in a private salt factory, at the rate of two annas per standard maund;

(b) in the case of salt manufactured in a salt factory solely owned or solely worked by the Central Government, at the rate of three and a half annas per standard maund.

4. Application of proceeds of cess.—The proceeds of the duty levied under this Act, reduced by the cost of collection as determined by the Central Government, shall, if Parliament by appropriation made by law in this behalf so provides, be utilised on all or any of the following objects, namely:—

(a) meeting the expenditure incurred in connection with the salt organisation maintained by the Central Government;

(b) meeting the cost of measures taken in connection with the manufacture, supply and distribution of salt by Union agencies and the regulation and control of the manufacture, supply and distribution of salt by other agencies; and in particular, measures for—

(i) the establishment and maintenance of research stations and model salt farms;

(ii) the establishment, maintenance and expansion of salt factories;

(iii) fixing the grades of salt;

(iv) promoting and encouraging co-operative effort among manufacturers of salt; and

(v) promoting the welfare of labour employed in the salt industry.

5. Validation of charges levied on salt before the commencement of this Act.—The charge in respect of the manufacture or production of salt imposed by the rule made by the Central Government under section 37 of the Central Excises and Salt Act, 1944 (I of 1944) and published with the notification of the former Finance Department (Revenue Division) No. 3, dated the 29th March, 1947, shall be deem-

ed to have been levied under this Act as if this Act was in force on the day on which the charge was so imposed and accordingly,—

(a) any sum paid or payable by way of such charge shall be deemed to have been paid or payable in accordance with law; and

(b) no claim shall lie in any court for the refund of any sum so paid.

6. Power to make rules.— (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the assessment and collection of the cess levied under this Act;

(b) the determination of the cost of collection of the cess;

(c) the manner in which accounts relating to the proceeds of the cess shall be maintained;

(d) the manner in which the proceeds of the cess may be applied on the objects specified in section 4;

(e) the exemption from the whole or any part of the cess levied under this Act—

(i) in respect of salt exported from India;

(ii) in respect of salt manufactured by any specified categories of small manufacturers; and

(iii) in respect of salt utilised in the manufacture of any other product of industry.

STATEMENT OF OBJECTS AND REASONS

By a rule made under section 37 of the Central Excises and Salt Act, 1944 (I of 1944), a cess of 2 annas per maund is being levied on all salt produced in private factories and of 3½ annas per maund on all salt produced in the Government Factories. The proceeds of the cess are mostly utilised to meet the expenses incurred on the salt organisation maintained by the Government of India, and on the measures taken by Government in connection with the manufacture, supply and distribution of salt. It is, however, desirable that both the levy of the cess and the utilisation of the proceeds therefrom should be regulated by an Act of Parliament.

K. C. REDDY.

NEW DELHI;

The 12th December, 1953.

FINANCIAL MEMORANDUM

The Bill provides for the levy of a cess at the rate of two annas per maund in the case of salt manufactured in private factories, and at three and a half annas per maund in the case of salt manufactured in factories solely owned or solely worked by the Central Government. It is expected that the cess will yield about Rs. 95 lakhs per annum. After meeting the expenditure of the Salt Organisation which amounts roughly to Rs. 40 lakhs, the balance will be utilised, subject to appropriation by Parliament, on the objects specified in clause 4(b) of the Bill.

BILL No. 64 OF 1953

A Bill to amend the Press (Objectionable Matter) Act, 1951.

BE it enacted by Parliament as follows:—

1. Short title.—This Act may be called the Press (Objectionable Matter) Amendment Act, 1953.

2. Amendment of section 1, Act LVI of 1951.—In section 1 of the Press (Objectionable Matter) Act, 1951 (hereinafter referred to as the principal Act), in sub-section (3), for the words “two years” the words “four years” shall be substituted.

3. Amendment of section 2, Act LVI of 1951.—In section 2 of the principal Act, in clause (k), the following words shall be inserted at the end, namely:—

“or any news-sheet which does not contain the name of the printer and the publisher.”

4. Amendment of section 20, Act LVI of 1951.—In section 20 of the principal Act,—

(a) in sub-section (3), for the words “a list of persons”, the words “a list for the entire State of persons” shall be substituted;

(b) after sub-section (4), the following sub-section shall be inserted, namely:—

“(4A) In any inquiry under this section, it is the duty of the jury to decide whether any newspaper, news-sheet, book or other document placed before it contains any objectionable matter and it is the duty of the Sessions Judge to decide whether there are sufficient grounds for making an order for the demanding of security or for directing any security which has been deposited or any part thereof to be forfeited to the Government or for directing further security to be deposited.”

5. Amendment of section 23, Act LVI of 1951.—In section 23 of the principal Act, for the words and figures “Any person against whom an order is passed by a Sessions Judge under section 4, section 5, section 7 or section 8 may, within sixty days of the date of such

order, prefer an appeal to the High Court," the following shall be substituted, namely:—

"The competent authority or any other person aggrieved by an order passed by a Sessions Judge under section 4, section 5, section 7 or section 8 may, within sixty days of the date of such order, prefer an appeal to the High Court,".

6. Amendment of section 29, Act LVI of 1951.—In section 29 of the principal Act, in sub-section (2), the words "in the territories to which this Act extends" shall be inserted at the end.

STATEMENT OF OBJECTS AND REASONS

The Press (Objectionable Matter) Act is due to expire on the 31st January, 1954. In view of the fact that the Press Commission will, among other things, examine the existing Press legislation and make recommendations relating thereto, it is proposed to defer a detailed examination of the issues involved until after the Press Commission's recommendations have been received. At the same time, Government feel that it would be undesirable to allow the Act to lapse. The Bill seeks to extend the life of the Act by two years. Opportunity is being taken to make certain minor amendments at the same time.

NEW DELHI;

K. N. KATJU.

The 10th December, 1953.

BILL* No. 65 OF 1953

A Bill to amend the Government of Part C States Act, 1951.

BE it enacted by Parliament as follows:—

1. Short title and commencement.—(1) This Act may be called the Government of Part C States (Amendment) Act, 1953.

(2) Section 7 shall come into force on the 1st day of April, 1954, but the remaining provisions of this Act shall come into force at once.

2. Amendment of section 17, Act XLIX of 1951.—Section 17 of the Government of Part C States Act, 1951 (hereinafter referred to as the principal Act) shall be renumbered as sub-section (1) thereof and—

(a) to sub-section (1) as so renumbered, the words "or of any law made in pursuance of that article" shall be added;

(b) after sub-section (1) as so renumbered, the following sub-sections shall be inserted, namely:—

"(2) If any question arises as to whether a member of the Legislative Assembly of a State has become disqualified

*The President has, in pursuance of clause (1) of article 117 of the Constitution of India, recommended to the House of the People the introduction of the Bill.

for being such a member under the provisions of sub-section (1), the question shall be referred for the decision of the President and his decision shall be final.

(3) Before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall act according to such opinion."

3. Insertion of new section 21A in Act XLIX of 1951.—After section 21 of the principal Act, the following section shall be inserted, namely:—

"21A. Exemption of property of the Union from State taxation.—The property of the Union shall, save in so far as Parliament may by law otherwise provide, be exempted from all taxes imposed by a State or by any authority within a State:

Provided that nothing in this section shall, until Parliament by law otherwise provides, prevent any authority within a State from levying any tax on any property of the Union to which such property was immediately before the commencement of the Constitution liable or treated as liable, so long as that tax continues to be levied in that State."

4. Amendment of section 22, Act XLIX of 1951.—To the *Explanation* to section 22 of the principal Act, the following shall be added, namely:—

"or any law made before the 1st day of April, 1952, in relation to any matter with respect to which the Legislative Assembly of the State has power to make laws."

5. Amendment of section 28, Act XLIX of 1951.—In section 28 of the principal Act, after clause (b) of sub-section (3), the following clause shall be inserted, namely:—

"(bb) the charges payable in respect of loans advanced to the State from the Consolidated Fund of India including interest, sinking fund charges and redemption charges, and other expenditure connected therewith;"

6. Insertion of new section 33A in Act XLIX of 1951.—After section 33 of the principal Act, the following section shall be inserted, namely:—

"33A. Language to be used for Acts, Bills, etc.—Notwithstanding anything contained in section 33, until Parliament by law otherwise provides, the authoritative texts—

(a) of all Bills to be introduced or amendments thereto to be moved in the Legislative Assembly of a State,

(b) of all Acts passed by the Legislative Assembly of a State, and

(c) of all orders, rules, regulations and bye-laws issued under any law made by the Legislative Assembly of a State, shall be in the English language:

Provided that where the Legislative Assembly of a State has prescribed any language other than the English language for use in Bills introduced in, or Acts passed by, the Legislative Assembly of the State or in any order, rule, regulation or bye-law issued under any law made by the Legislative Assembly of the State, a translation of the same in the English language published under the authority of the Chief Commissioner in the Official Gazette shall be deemed to be the authoritative text thereof in the English language."

7. Amendment of section 39, Act XLIX of 1951.—In section 39 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

'(1) As from the 1st day of April, 1954, in the case of any of the States of Ajmer, Bhopal, Coorg, Delhi, Himachal Pradesh and Vindhya Pradesh, and as from such date as may be appointed in this behalf by the Central Government by notification in the Official Gazette in the case of any other State, all revenues received in that State by the Government of India or the Chief Commissioner in relation to any matter with respect to which the Legislative Assembly of that State has power to make laws, and all grants made and all loans advanced to that State from the Consolidated Fund of India and all moneys received by that State in repayment of loans shall form one consolidated fund to be entitled "the Consolidated Fund of the State".'

d. Insertion of new sections 39A and 39B in Act XLIX of 1951.—After section 39 of the principal Act, the following sections shall be inserted, namely:—

"39A. Contingency Fund of the State.—(1) There shall be established a Contingency Fund in the nature of imprest to be entitled "the Contingency Fund of the State" into which shall be paid from and out of the Consolidated Fund of the State such sum as the President may, by order, determine; and the said Fund shall be held by the Chief Commissioner to enable advances to be made by him out of such Fund.

(2) No advances shall be made out of the Contingency Fund of the State except for the purposes of meeting unforeseen expenditure pending authorisation of such expenditure by the Legislative Assembly of the State under appropriations made by law.

(3) The Chief Commissioner may make rules regulating all matters connected with or ancillary to the custody of, the payment of moneys into, and the withdrawal of moneys from, the Contingency Fund of the State.

39B. Audit reports.—The reports of the Comptroller and Auditor-General of India relating to the accounts of a State where a Legislative Assembly has been established under section

3 shall be submitted to the Chief Commissioner, who shall cause them to be laid before the Legislative Assembly of the State."

STATEMENT OF OBJECTS AND REASONS

The Government of Part C States Act, 1951, was enacted on the 6th September 1951. The operative provisions of the Act regarding the setting up of Legislative Assemblies and Councils of Ministers in some of the Part C States were brought into force in March, 1952. In the light of the experience gained in the working of the Government of Part C States Act, 1951, in the States of Ajmer, Bhopal, Coorg, Delhi, Himachal Pradesh and Vindhya Pradesh, it has been found necessary to amend the Act in order to make provision in respect of the following among other matters:—

- (a) machinery for deciding questions of disqualification of members of State Legislative Assemblies;
- (b) exemption of the property of the Union from taxation by the Governments of Part C States;
- (c) the language in which Bills may be introduced in, or passed by, the State Legislative Assemblies;
- (d) establishment of a Contingency Fund for each State; and
- (e) presentation of the reports of the Comptroller and Auditor-General of India relating to the accounts of the Part C States to the State Legislative Assemblies.

In addition, representations have been made that the Act does not enable the State Legislative Assemblies to amend laws made for the States by Parliament prior to 1st April, 1952 in regard to subjects included in the 'State List'.

The present Bill seeks to amend the principal Act to provide for all these matters.

NEW DELHI;

K. N. KATJU.

The 9th December, 1953.

M. N. KAUL,
Secretary.